

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARBOR NETWORKS, INC.,

Plaintiff,

v.

WILLIAM E. RONCA III, RICHARD SHIRLEY,
DOUGLAS FLEMING, JAMES GILL, JAMES
NEEL, JASON MCEACHIN, MICHAEL L.
PORTER, ANDREW HENKART, PAUL
SCANLON, MICHAEL HOLLYMAN, and
RED LAMBDA, INC.,

Defendants.

C.A. No. _____

**AFFIDAVIT OF DAWN MERTINEIT IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND MOTION FOR PRELIMINARY INJUNCTION**

I, Dawn Mertineit, being duly sworn, do hereby depose and say as follows:

1. I am of legal age and believe in the obligation of an oath. I make the following Affidavit based on personal knowledge unless otherwise stated.

2. I am counsel for the Plaintiff in the above-captioned action, Arbor Networks, Inc. ("Arbor" or "Plaintiff").

3. I submit this Affidavit in support of Arbor's Motion for Temporary Restraining Order and Motion for Preliminary Injunction, filed contemporaneously herewith.

4. Attached hereto as Exhibit 1 is a true and accurate copy of a printout of a page on Arbor's website, <http://www.arbornetworks.com/network-security-&-visibility-products.html>, accessed on July 16, 2012.

5. Attached hereto as Exhibit 2 is a true and accurate copy of a printout of a page on defendant Red Lambda, Inc.'s ("Red Lambda") website, <http://www.redlambda.com/products/metagrid-analytics/anomaly-detection>, accessed on July 16, 2012.

6. Attached hereto as Exhibit 3 is a true and accurate copy of a printout of a page on defendant Red Lambda, Inc.'s ("Red Lambda") website, <http://www.redlambda.com/press-release/william-e-ronca-iii-named-evp-of-global-sales-marketing-and-business-development-for-red-lambda/>, accessed on July 16, 2012.

7. Attached hereto as Exhibit 4 is a true and accurate copy of a printout of a press release issued by defendant Red Lambda, Inc. ("Red Lambda"), published on the BusinessWire website, <http://www.businesswire.com/news/home/20110511006452/en/Red-Lambda-Hires-Network-Security-Veteran-William>, accessed on July 17, 2012.

The foregoing statements are made under the pains and penalties of perjury.

Dated: July 18, 2012

/s/ Dawn Mertineit
Dawn Mertineit